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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

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In the Matter of

Amendment of 73.202(b)
Table of Allotments
FM Broadcast Stations
(Seymour, TX)

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MM Docket No. 99-_____

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To: John Karousos, Chief
Allocations Branch
Mass Media Bureau

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PETITION FOR RULE MAKING

Pursuant to 47 CFR 1.401, Seymour Radio Broadcasting Company respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add channel 222C2 at Seymour, TX.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating channel 222C2 to Seymour, TX, as that community's first competing local FM service.

Seymour is the County Seat of historic Baylor County, in the cattle ranching area of Texas. An incorporated city with a Mayor and City Council, Seymour had a 1990 Census population of 3,185 persons.

Seymour has its own independent school district, its own fire and police departments, and its own post office. Baylor County has its courthouse and sheriff's office in Seymour.

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Like other "communities" to which the FCC has allotted a "first competing FM service," Seymour has numerous local churches, a local hospital, 229 commercial business establishments,^{1/} and a Chamber of Commerce.

Attached hereto is an engineering report, which contains a channel study confirming that channel 222C2 can be allocated to Seymour, TX consistent with the FCC's separation rules. See Appendix A.

Allotment of channel 222C2 to Seymour, TX would provide that County Seat with its first competing local FM service and would result in a preferential arrangement of FM allotments. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992).

Finally, should this Petition be granted, and channel 222C2 be allocated to Seymour, TX, Petitioner will apply for channel 222C2 and, after if it is granted a CP, will promptly construct the new facility.

Respectfully submitted,



Robert Lewis Thompson
TAYLOR THIEMANN & AITKEN, L.C.
908 King Street, Suite 300
Alexandria, VA 22314
(703) 836-9400

September 23, 1999

Counsel for Seymour Radio
Broadcasting Company

^{1/} Source: Dun & Bradstreet credit rating service, 1/30/97.

**ENGINEERING STATEMENT
IN SUPPORT OF
PETITION FOR RULE MAKING**

September 17, 1999

**Seymour Radio Broadcasting Co.
FM Channel 222C2 □ 92.3 Megahertz
Seymour, Texas**



LAWRENCE L. MORTON ASSOCIATES
2867 BELDEN DRIVE
HOLLYWOOD HILLS, CALIFORNIA 90068-1901
(323) 467-5010 / FAX (323) 467-5848

ENGINEERING STATEMENT

The information and data contained within this engineering statement were prepared on behalf of Seymour Radio Broadcasting Co., in support of a petition for rule making. The petitioner proposes to amend the FM Table of Allotments, 47 C.F.R. § 73.202(b) of the Commission's Rules, by allotting Channel 222C2 to Seymour, Texas.

I. SEYMOUR, TEXAS

Seymour is an incorporated city located near the center of Baylor County, Texas, and is the County Seat. The 1990 U.S. Census population of Baylor County was 4,385 persons.

Seymour has been assigned Postal ZIP Code 76380 by the U.S. Postal Service. The city had a 1990 U.S. Census population of 3,185 persons, and has one FM and one AM full-time aural broadcast service. The Bureau of the Census centroid geographic coordinates of Seymour, referenced to the North American Datum of 1927, are:

North Latitude: 33 degrees, 35 minutes, 49 seconds
West Longitude: 99 degrees, 15 minutes, 33 seconds

Because of existing licensed station KNIN-FM on Channel 225C1 at Wichita Falls, Texas, a site restriction is required for the Channel 222C2 allotment at Seymour. At a point corresponding to the following geographic coordinates, which is 4.2 kilometers west, southwest of the center of Seymour, the Channel 222C2 allotment can be made at Seymour in compliance with the minimum distance separation requirements 47 C.F.R. § 73.207.

North Latitude: 33 degrees, 34 minutes, 49 seconds
West Longitude: 99 degrees, 18 minutes, 01 seconds

From these reference geographic coordinates, Channel 222C2 is fully-spaced to all FCC assignments, allotments and proposals contained within the latest *FCC FM Engineering Database*. Figures one and two show the relative locations of Baylor County within the State of Texas, and of the city of Seymour within Baylor County. Figure three shows the incorporated city limits of Seymour and the locations of the 1990 U.S. Census block centroids. Figure 4 depicts in green the permissible fully-spaced area to locate the

Channel 222C2 transmitter site, and the location of the proposed allotment reference point for Channel 222C2 at Seymour.

II. MINIMUM SPACING REQUIREMENTS

The following table lists the nearest assignments and allocations currently on file with the required distance separations for Channel 222C2. For clarity, facilities that are greater than 350 kilometers beyond the minimum required separations are not shown.

As required by § 73.207 all minimum distance separation requirements are met from the Channel 222C2 allotment reference site proposed for Seymour. All distances were computed by the methods outlined in § 73.208(c) of the Commission's Rules and were rounded to the nearest kilometer in accordance with § 73.208(c)(8).

ALLOCATION-PERTINENT STATIONS					
CALL LETTERS	CHANNEL /CLASS	NORTH LATITUDE	WEST LONGITUDE	ACTUAL DISTANCE	REQUIRED DISTANCE
KHPU	219-A	31° 43' 32"	99° 00' 48"	207. Km	55. Km
KVTT	219-C	32° 35' 24"	96° 58' 21"	244	105
ALLOC	220-A	31° 49' 54"	99° 25' 36"	194	55
NEW	220-C3	31° 25' 16"	100° 32' 36"	266	56
NEW	220-C1	33° 33' 01"	102° 13' 08"	271	79
KFXI	221-C2	34° 42' 30"	98° 03' 13"	170	130
KFXI	221-C1	34° 42' 35"	98° 03' 00"	170	158
KIIZ-FM	222-A	31° 06' 33"	97° 39' 00"	315	166
KNFM	222-C	32° 05' 51"	102° 17' 21"	325	249
ALLOC	223-A	34° 41' 00"	99° 54' 54"	135	106
KZPS	223-C	32° 35' 22"	96° 58' 10"	244	188
KULL	223-C2	32° 15' 58"	99° 42' 23"	151	130
KRMN	224-A	35° 20' 29"	100° 14' 33"	214	55
KJAK	224-C1	33° 32' 32"	101° 50' 14"	236	79
KBEZ	225-C	36° 11' 26"	96° 05' 50"	412	105
KNIN-FM	225-C1	33° 54' 04"	98° 32' 21"	79	79
KDMX	275-C	32° 34' 54"	96° 58' 32"	244	35
NEW	275-C2	34° 38' 55"	99° 14' 21"	119	20
KKCN	276-C1	31° 39' 37"	100° 05' 23"	225	27
NEW	276-C2	35° 05' 17"	99° 28' 38"	168	20
KVWC	276-A	34° 09' 12"	99° 16' 09"	64	15

III. CONCLUSIONS

The results of this study demonstrate that the FM Table of Allotments in § 73.202(b) of the Commission's Rules may be amended in technical compliance with all applicable spacing rules. Therefore, the Petitioner, Seymour Radio Broadcasting Co., respectfully requests the following change to the Table:

<u>PRESENT</u>	
<u>CITY</u>	<u>CHANNEL</u>
Seymour, TX	230C2
<u>PROPOSED</u>	
<u>CITY</u>	<u>CHANNEL</u>
Seymour, TX	222C2, 230C2

The petitioner asserts that, upon allotment of Channel 222C2 to Seymour and the lifting of the present freeze on new applications, an application for construction permit to build a new Class C2 facility will be filed promptly to serve Seymour, Texas.

Respectfully Submitted,

Lawrence L. Morton, P.E.
Consulting Engineer to the Petitioner
September 17, 1999



Baylor County

State of Texas

Gulf of Mexico

CENTER OF MAP:

N LAT 31° 20' 56.00"
W LON 99° 39' 55.00"

Scale 1 : 6,642,985

FIGURE 1
COUNTY OF BAYLOR
STATE OF TEXAS
SEYMOUR RADIO BROADCASTING CO.

KILOMETERS

0 100 200 300 400

0 50 100 150 200

STATUTE MILES

Lambert Azimuthal Equal-Area

10' 00" Graticule Spacing

ELECTRA

CENTER OF MAP:

N LAT 33° 38' 58.00"

W LON 99° 02' 31.00"

Scale 1 : 400,917

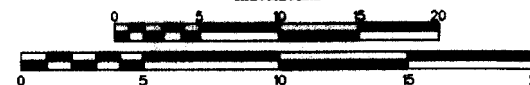
FIGURE 2

COMMUNITY OF SEYMOUR

COUNTY OF BAYLOR

SEYMOUR RADIO BROADCASTING CO.

KILOMETERS



STATUTE MILES

SEYMOUR
Baylor County

HOLIDAY

LAKE SIDE CITY

SCOTLAND

ARCHER CITY

WINDHORST

MEGARGEL

OLNEY

GOREE

MUNDAY

WEINERT

Lambert Azimuthal Equal-Area

7' 30" Graticule Spacing

CENTER OF MAP:

N LAT 33° 36' 25.00"

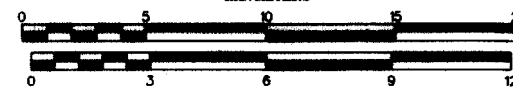
W LON 99° 14' 25.00"

Scale 1 : 304,050

FIGURE 3

COMMUNITY OF SEYMOUR
AND 1990 U.S. CENSUS BLOCKS
SEYMOUR RADIO BROADCASTING CO.

KILOMETERS

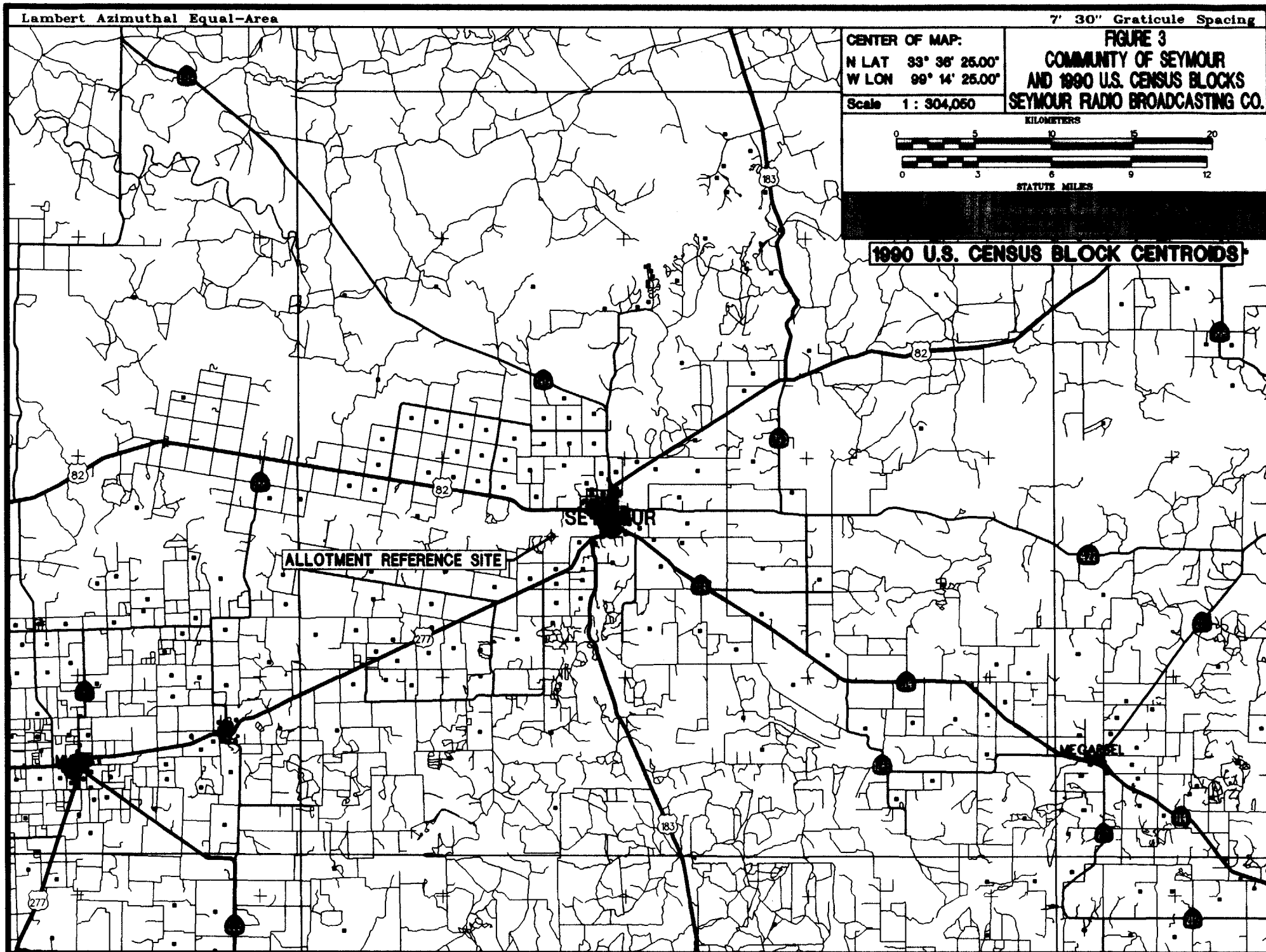


1990 U.S. CENSUS BLOCK CENTROIDS

ALLOTMENT REFERENCE SITE

SEYMOUR

MEGAREL



Lambert Azimuthal Equal-Area

7' 30" Graticule Spacing

CENTER OF MAP:

N LAT 33° 36' 25.00"

W LON 99° 14' 25.00"

Scale 1 : 304,050

FIGURE 4

FULLY-SPACED AREA TO LOCATE

FM CHANNEL 222C2

SEYMOUR RADIO BROADCASTING CO.

KILOMETERS

0 5 10 15 20

0 3 6 9 12

STATUTE MILES

ALLOTMENT REFERENCE SITE

SEYMOUR

MEGARGEL

AFFIDAVIT

State of California)
) ss:
County of Los Angeles)

Lawrence L. Morton, being first duly sworn upon oath, deposes and says:

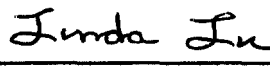
- That he is a qualified engineer,
- That he is a Registered Professional Engineer in the State of California,
- That he is a member of the Association of Federal Communications Consulting Engineers,
- That his qualifications are a matter of record with the Federal Communications Commission,
- That he has prepared many broadcast applications and engineering exhibits that have been filed with and granted by the Federal Communications Commission,
- That he has carried out such engineering work and that the results thereof are attached hereto and form part of this affidavit, and
- That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge.

Date: September 17, 1999


Lawrence L. Morton, P.E.

On September 17, 1999, before me, Linda Lu, a Notary Public, in and for the State of California, personally appeared Lawrence L. Morton known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

My Commission expires 11/30/99


Notary Public

